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October 24, 2006

By E-File

The Honorable Sue L. Robinson
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

Re: Elizabeth Traynor v. Davy Liu
Civil Action No. 06-441-SLR
Our File: 4586-2

Dear Judge Robinson:

Further to the parties' telephone conference with the Court, a copy of the revised proposed Scheduling Order is attached at Exhibit A.

Respectfully Submitted,

Patricia Smink Rogowski

PSR:JF/bms

Enclosure

cc: Stephen P. Casarino, Esq. (with enclosure)
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EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

Elizabeth Traynor,)	
)	
Plaintiff,)	
)	Civil Action No. 06-441-SLR
v.)	
)	
Davy Liu d/b/a Davy Liu Studio Gallery,)	
)	
Defendant.)	

SCHEDULING ORDER

At Wilmington this ____ day of _____, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by November 8, 2006 the information required by Fed. R. Civ. P. 26(a)(1) and Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: activities occurring between May 2004 and the present relating to the Davy Liu Studio Gallery; marketing and sales information for Davy Liu Studio Gallery; website records and changes; plaintiff's copyrighted works asserted to be infringed; and plaintiff's damages;

(b) All fact discovery shall be commenced in time to be completed by August 3, 2007.

(c) Maximum of 25 interrogatories by each party to other party.

(d) Maximum of 50 requests for admission by party to any other party.

(e) Maximum of 5 depositions by plaintiff and 5 by defendant.

(f) Each deposition [other than of Davy Liu and Elizabeth Traynor – 12 hours each] limited to a maximum of 6 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rules 26(a)(2) on issues for which any party has the burden of proof due by August 10, 2007. Rebuttal expert reports due by September 14, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of Other Parties and Amendment of Pleadings.** All motions to join other parties and amend the pleadings shall be filed on or before January 31, 2007.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before November 2, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** An application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before February 6, 2008. All responses to said motions shall be filed on or before February 13, 2008.

8. **Pretrial Conference.** A pretrial conference will be held on February 20, 2008 at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a 4 day jury trial commencing on March 3, 2008 in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total of number of hours in which to present their respective cases.

United States District Judge